

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Yassir Mehmood,

Petitioner

v.

NSDC, CCA, et al.,

Respondents

2:15-cv-1522-JAD-CWH

**Order Denying Motion to Proceed *in*  
*Forma Pauperis* on Appeal**

**[ECF 7]**

This habeas corpus petition is brought by Yasir Mehmood, who, according to his habeas petition,<sup>1</sup> is incarcerated in the Nevada Southern Detention Center, in Pahrump, Nevada, awaiting a criminal trial in the United States District Court for the Eastern District of California. The court dismissed the action under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts because Mehmood's application to proceed *in forma pauperis*<sup>2</sup> was inadequate, his habeas petition was not properly presented, and, at any rate, his habeas petition was meritless because it asserted no claim cognizable in a federal habeas action.<sup>3</sup> Judgment was entered on September 25, 2015, and this case was closed.<sup>4</sup> On October 15, 2015, Mehmood filed a notice of appeal<sup>5</sup> and a motion to proceed *in forma pauperis* on appeal.<sup>6</sup> I now deny the motion to proceed with pauper status on appeal because this appeal is not taken in good faith.

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<sup>1</sup> ECF 1.

<sup>2</sup> ECF 2.

<sup>3</sup> See Order entered September 24, 2015 (ECF 4).

<sup>4</sup> ECF 5.

<sup>5</sup> ECF 6.

<sup>6</sup> ECF 7.

### Discussion

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”<sup>7</sup> The good-faith requirement for *in forma pauperis* status on appeal is satisfied if the appellant seeks review of an issue that is not frivolous.<sup>8</sup> An action is frivolous if “it lacks an arguable basis either in law or in fact.”<sup>9</sup>

In my September 25, 2015, order denying Mehmood’s petition and pauper application, I found his petition frivolous. The thrust of his challenge was to claim he is receiving inadequate law-library access. But that type of relief cannot be redressed with a habeas petition. And Mehmood’s petition was also not submitted on the court’s approved form.<sup>10</sup> Because Mehmood’s petition was frivolous, I find that his appeal would not be taken in good faith.

### Conclusion

IT IS THEREFORE ORDERED that the petitioner’s Motion to Proceed *in Forma Pauperis* on Appeal (ECF 7) is **DENIED**. The court hereby certifies under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24, that this appeal is not taken in good faith.

Dated this 19th day of October, 2015

  
Jennifer A. Dorsey  
United States District Judge

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<sup>7</sup> 28 U.S.C. § 1915(a)(3); *see also* Fed. R. App. P. 24.

<sup>8</sup> *See Gardner v. Pogue*, 558 F.2d 548, 550-51 (9th Cir.1977) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)) (quotation marks omitted); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir.2002) (if at least one issue or claim is non-frivolous, the appeal may proceed *in forma pauperis*).

<sup>9</sup> *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

<sup>10</sup> ECF 4.